

W.A(MD)Nos.43, 47 & 59 of 2020

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
WEB COPY

DATED : 09.09.2025

CORAM:

THE HONOURABLE MR.JUSTICE C.V.KARTHIKEYAN
and
THE HON'BLE MR.JUSTICE R.VIJAYAKUMAR

W.A(MD)Nos.43, 47 & 59 of 2020
and
C.M.P(MD)Nos.505, 506, 519, 564 & 565 of 2020

W.A(MD)No.43 of 2020

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Rep. by its General Manager,
Virudhunagar.

... Appellant/Petitioner

Vs

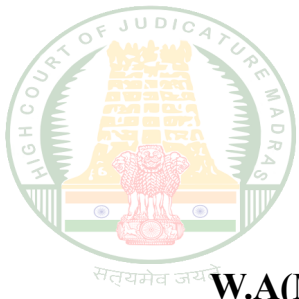
1.The Presiding Officer,
Labour Court,
District Court,
Madurai.

... Respondent No.1/
Respondent No.1

2.V.Sivaram

... Respondent No.2/
Respondent No.2

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P(MD)No.4382 of 2013, dated 29.04.2019.



W.A(MD)Nos.43, 47 & 59 of 2020

W.A(MD)No.47 of 2020

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Rep. by its General Manager,
Virudhunagar.

... Appellant/Petitioner

Vs

1.The Presiding Officer,
Labour Court,
District Court,
Madurai.

... Respondent No.1/
Respondent No.1

2.I.Paulraj (Died)
3.P.Anuradha
4.Minor Aswin Ryan
5.Minor Libina Arul
6.Subbulakshmi
(4th and 5th respondents are minors
represented by their mother-3rd respondent)
(Respondents 3 to 6 /LRs of the deceased
second respondent impleaded as per the
common order of this Court
dated 19.06.2025)

... Respondents 3 to 6

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P(MD)No.4495 of 2013, dated 29.04.2019.

W.A(MD)No.59 of 2020

The Management of
Tamil Nadu State Transport Corporation
(Madurai) Limited,
Rep. by its General Manager,
Virudhunagar.

... Appellant/Petitioner



W.A(MD)Nos.43, 47 & 59 of 2020

Vs

1.The Presiding Officer,
Labour Court,
District Court,
Madurai.

... Respondent No.1/
Respondent No.1

2.Lingaraj (Died)

3.L.Kakala Devi

4.L.Vanamoorthiraja

5.L.Jeyambigai

(Respondents 3 to 5 /LRs of the deceased

2nd respondent impleaded as per the

common order of this Court dated 19.06.2025)... Respondents 3 to 5

PRAYER: Writ Appeal filed under Clause 15 of Letters Patent, to set aside the order passed in W.P(MD)No.7645 of 2013, dated 29.04.2019.

For Appellant : Mr.M.Dinakar
for Mr.S.Gladson Michel Rajadurai
For R2 : Mr.S.Arunachalam
in all the writ appeals

COMMON JUDGMENT

(Judgment of the Court was made by C.V.KARTHIKEYAN,J.)

These three writ appeals have been filed by some of the writ petitioners aggrieved by the common order passed on 29.04.2019 in the three writ petitions among other writ petitions by the learned Single Judge.

2. By the common order dated 29.04.2019, the learned Single Judge in a string of writ petitions had examined the earlier

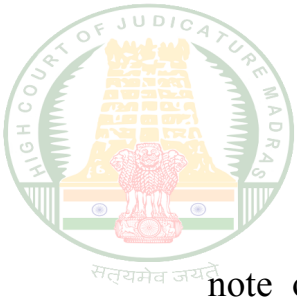


W.A(MD)Nos.43, 47 & 59 of 2020

WEB COPY

common order passed on 24.05.2017, wherein, a settlement which had been reached between the management and the workmen under Section 12(3) of the Industrial Dispute Act, 1947 on 25.09.1986 had been recognised and it had directed grant of reinstatement together with attendant benefits. That particular order had been put to challenge by the Management/appellant herein.

3. These writ appeals had also come up for consideration, but were not taken up since the writ petitioner in W.A(MD)No.47 of 2020 and the writ petitioner in W.A(MD)No.59 of 2020 were reported dead and their legal representatives had to be brought on record. They had been subsequently brought on record and now they are the respondents in both the writ appeals. The writ petitioner, who is the respondent No.2 in W.A(MD)No.43 of 2020 had also not been provided with reinstatement. There is no dispute that the order of the Division Bench in a string of writ appeals dated 08.03.2021 would apply to the present cases also. The only difference is that in W.A(MD)No.47 of 2020 and W.A(MD)No.59 of 2020 though we would direct reinstatement to the workmen/second respondent, since the workmen had died, we hold that their legal representatives would be entitled for all terminal benefits. We also take



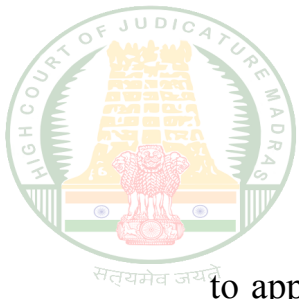
W.A(MD)Nos.43, 47 & 59 of 2020

WEB COPY

note of the submission made by the learned counsel for the second respondent that the respondents/legal representatives of the workmen may also be permitted to file an application seeking employment on compassionate ground and that if such application is made, the appellant/management of Tamil Nadu Transport Corporation Limited must consider those application in the manner known to law, without any delay and if otherwise in order, pass appropriate orders.

4. With respect to the second respondent in W.A.(MD)No.43 of 2020, we would also direct that reinstatement shall be granted to the second respondent and if for any circumstance, the appellant/management is of the opinion that he is not fit to discharge his work as a conductor, we hold that there is an obligation to give an alternative employment and maintain the same salary and grant necessary pay protection.

5. We hold that the legal representatives, who are the respondents in W.A(MD)No.47 of 2020 and W.A(MD)No.59 of 2020 are entitled for the terminal benefits from the date of death of the two employees namely I.Paulraj and P.Lingaraj respectively and also entitled



W.A(MD)Nos.43, 47 & 59 of 2020

to apply for the compassionate employment. With respect to the second respondent in W.A(MD)No.43 of 2020 we would direct the appellant to grant 50% of the backwages from the date on which co-employees were actually reinstated consequent to the orders passed by this Court.

6. The earlier co-ordinate Division Bench had passed final orders in the writ appeals and had issued the following directions:

"6.Pending the writ appeals, a settlement under Section 18(1) of the Industrial Disputes Act, 1947 has been arrived at between the parties. Accordingly, a Government Order in G.O. (Ms)No.130, Transport (C1) Department, dated 02.11.2020, was passed. The following is the operative portion of the said Government Order:-

"11.The Government after careful examination, have decided to accept the proposal of the Managing Director, Tamil Nadu State Transport Corporation (Madurai) Limited as recommended by Board of Directors of Tamil Nadu State Transport Corporation (Madurai) Limited in its 250th and 257th board meetings and accordingly direct the Managing Director, Tamil Nadu State Transport Corporation (Madurai) Limited to reinstate the 26 Conductors and 9 Drivers (totally 35 members) by relaxing the G.O.(Ms)No.790, Labour Department, dated 05.07.1971, subject to the outcome of Writ Appeal Nos.36



WEB COPY



W.A(MD)Nos.43, 47 & 59 of 2020

to 38, 40 to 62, 64 to 68, 70 and 72 to 74 / 2020 filed by the Tamil Nadu State Transport Corporation (Madurai) Limited. Accordingly, the Government issues following directions to Managing Director, Tamil Nadu State Transport Corporation (Madurai) Limited, Madurai.

(i) Reinstate Nine (9) Drivers and Twenty Six (26) Conductors of Virudhunagar Region of the Corporation as stated above and confirm their services with effect from 23.09.2008 without any back wage payment for the period from the date of confirmation till the date of order of reinstatement after entering into a settlement under Section 18(1) of the Industrial Disputes Act, 1947.

(ii) Sanction settlement benefits from the date of confirmation till the date of order of reinstatement for fixing their basic pay and to take into account their services only from the date of order of reinstatement for giving review benefits.

(iii) to pay Provident Fund Contributions for the period from the date of confirmation till the date of order of reinstatement to the above 9 Drivers and 26 Conductors.

(iv) the period from the date of confirmation till the date of order of reinstatement may be considered as eligible service for payment of Gratuity at the time of their exit from the service.

12.This order issues with the concurrence of the Finance (BPE) Department vide its U.O.No.



WEB COPY



W.A(MD)Nos.43, 47 & 59 of 2020

28494/Fin(BPE)/2020, dated 03.09.2020."

7. The Division Bench had finally held as follows:-

" 7.In view of the aforesaid factual position, all the Writ Appeals stand disposed of by recording the settlement entered into between the appellant and respondents/workmen under Section 18(1) of the Industrial Disputes Act, 1947, followed by the Government Order in G.O.(Ms)No.130, Transport (C1) Department, dated 02.11.2020, which has been given effect to through the various orders passed by the appellant giving appointment, dated 19.02.2021. No costs. Consequently, connected Miscellaneous Petitions are closed."

8. The said direction also would enure in these writ appeals with the only modification that the second respondents' legal heirs in W.A(MD)No.47 of 2020 and W.A(MD)No.59 of 2020 would be entitled for the terminal benefits payable to the second respondent in each one of the two writ appeals and they are also permitted to apply compassionate appointment for any eligible family member, which application is directed to be processed without any undue delay in the manner known to law and appropriate orders be passed by the appellant.



W.A(MD)Nos.43, 47 & 59 of 2020

WEB COPY

9. With respect to W.A(MD)No.43 of 2020 we would only state that the second respondent would be entitled to 50% of the backwages from the date on which other co-employees were actually reinstated and if for any reason, the appellant is of the opinion that the job of conductor could not be granted to the second respondent, then they must give suitable alternative employment keeping in mind the scope and object of the Persons with Disabilities (Equal Opportunities, Protection of Rights and Full Participation) Act, 1995.

10. Necessary orders should be passed by the appellant within a period of twelve weeks from the date of receipt of a copy of this order.

11. In view of the above reasons, the writ appeals are disposed of. No Costs. Consequently, connected miscellaneous petitions are closed.

Index : Yes / No
Internet : Yes / No
NCC : Yes / No
am

(C.V.K., J.) (R.V., J.)
09.09.2025



WEB COPY



W.A(MD)Nos.43, 47 & 59 of 2020

C.V.KARTHIKEYAN, J.
and
R.VIJAYAKUMAR, J.

am

ORDER MADE IN
W.A(MD)Nos.43, 47 & 59 of 2020

09.09.2025